

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN HARPER,

Petitioner,

v.

STATE OF WASHINGTON

Respondent.

Case No. C05-5423FDB

ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1). Petitioner names only the State of Washington as a Respondent. 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of the person detained". This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

Petitioner is ordered to file an amended petition or motion to change the case caption and

ORDER

1 petitioner must name the superintendent of the facility where he is incarcerated. The new petition or
2 motion must be filed on or before **August 12th, 2005** or the court will recommend dismissal of this
3 petition on jurisdictional grounds.

4 The clerk is ordered to send copies of this order to the petitioner and to note this matter for
5 the courts **August 12th, 2005** calendar.

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7 DATED this 13th day of July, 2005.

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10 /S/ J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate Judge
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ORDER